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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

NATALIE PEREZ,

Plaintiff,

vs.

SAN DIEGO ACCOUNTS SERVICE
d/b/a CALIFORNIA ACCOUNTS
SERVICE

Defendant

) Docket No.: _

) **COMPLAINT** for violations of the
) Fair Debt Collection Practices Act, 15
) U.S.C. § 1692 *et seq.* and the Rosenthal
) Fair Debt Collections Practices Act,
) Cal. Civ. Code § 1788 *et seq.* and
) **DEMAND FOR JURY TRIAL**

Plaintiff Natalie Perez ("Plaintiff"), by and through her attorneys, The Law
Offices of Jonathan A. Stieglitz, as and for her Complaint against Defendant San
Diego Accounts Service d/b/a California Accounts Service ("Defendant"),
respectfully sets forth, complains, and alleges, upon information and belief, the
following:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as
well as 15 U.S.C. § 1692 *et seq.* and 28 U.S.C. § 2201. The Court also has pendant

jurisdiction over the State law claims in this action pursuant to 28 U.S.C.

§ 1367(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

3. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violations of 15 U.S.C. § 1692 *et seq.*, commonly known as the Fair Debt Collections Practices Act ("FDCPA"), and Cal. Civ. Code § 1788 *et seq.*, commonly known as the Rosenthal Fair Debt Collections Practices Act ("RFDCPA").

PARTIES

4. Plaintiff is a resident of the State of California, residing in the County of San Bernardino.

5. Defendant is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA, with an address at 329 Van Houten Ave., El Cajon, CA 92020.

FACTUAL ALLEGATIONS

6. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein with the same force and effect as if the same were set forth at length herein.

1 7. On information and belief, on a date better known to Defendant, Defendant
2 began collection activities on an alleged consumer debt from Plaintiff (“Alleged
3 Debt”).
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5 8. The Alleged Debt was incurred as a financial obligation that was primarily
6 for personal, family or household purposes and is therefore a “debt” as that term is
7 defined by 15 U.S.C. § 1692a(5).
8
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10 9. The reporting of a consumer debt to a credit reporting agency is a
11 “communication” as the term is defined in 15 U.S.C. § 1692a(2).
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13 10. Defendant reported the Alleged Debt on Plaintiff’s credit report.
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15 11. Plaintiff disputed the Alleged Debt directly with Defendant on March 3,
16 2015.
17

18 12. Plaintiff examined her credit report again on April 24, 2015, and saw that
19 Defendant had re-reported the Alleged Debt on her credit report in April of 2015.
20 When Defendant re-reported the Alleged Debt, Defendant failed to mark the
21 account as “disputed by consumer” despite being required to do so by the FDCPA.
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25 **FIRST CAUSE OF ACTION**
26 **(Violations of the FDCPA)**
27
28

1 13. Plaintiffs incorporate by reference all of the above paragraphs of this
2 Complaint as though fully state herein with the same force and effect as if the same
3 were set forth at length herein.
4

5 14. Defendant's debt collection efforts attempted and/or directed towards
6 Plaintiffs violate various provisions of the FDCPA, including but not limited to 15
7 U.S.C. §§ 1692d, 1692e, 1692e(2), 1692e(8), 1692e(10), and 1692f.
8
9

10 15. As a result of the Defendant's violations of the FDCPA, Plaintiffs have been
11 damaged and is entitled to damages in accordance with the FDCPA.
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13 **SECOND CAUSE OF ACTION**
14 **(Violations of the RFDCPA)**

15 16. Plaintiffs incorporates by reference all of the above paragraphs of this
16 Complaint as though fully state herein with the same force and effect as if the same
17 were set forth at length herein.
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20 17. The RFDCPA requires debt collectors to comply with the FDCPA, and a
21 violation of the FDCPA is also a violation of the RFDCPA. Cal. Civ. Code
22 § 1788.17.
23
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25 18. The remedies under the FDCPA and RFDCPA are cumulative, and Plaintiffs
26 are entitled to damages under both acts.
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1 19. Upon information and belief, Defendant willfully and knowingly committed
2 the violations of the FDCPA and RFDCPA described herein, and is entitled to
3 statutory damages pursuant to Cal. Civ. Code § 1788.30(b).
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11 **DEMAND FOR TRIAL BY JURY**

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13 20. Plaintiffs demand and hereby respectfully request a trial by jury for all
14 claims and issues this complaint to which Plaintiffs are or may be entitled to a jury
15 trial.
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17 **PRAYER FOR RELIEF**

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19 **WHEREFORE**, Plaintiffs demand judgment from the Defendant as follows:

- 20 a) For actual damages provided and pursuant to 15 U.S.C. § 1692k(a)(1)
21 and Cal. Civ. Code § 1788.30(a);
22
23 b) For statutory damages provided and pursuant to 15 U.S.C.
24 § 1692k(a)(2)(A) and Cal. Civ. Code § 1788.30(b);
25
26 c) For attorney fees and costs provided and pursuant to 15 U.S.C.
27 § 1692k(a)(3) and Cal. Civ. Code § 1788.30(c);
28

1 d) A declaration that the Defendant's practices violated the FDCPA and
2 the RFDCPA; and

3 e) For any such other and further relief, as well as further costs, expenses
4 and disbursements of this action as this Court may deem just and proper.
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8 Dated: January 13, 2016

9 THE LAW OFFICES OF
10 JONATHAN A. STIEGLITZ

11 By: /s/ Jonathan A Stieglitz
12 Jonathan A Stieglitz
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